

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN BARNES and JUDY BARNES,  
husband and wife,

Plaintiffs,

v.

CONTINENTAL TIRE NORTH AMERICA  
INC. and CONTINENTAL AG,

Defendants.

Case No. C05-5214 RBL

ORDER

This matter comes before the Court on the Plaintiffs' Motion for Relief from Discovery Deadlines and Motion to Compel Responsive Documents to Discovery Requests and Sanctions. [Dkt. #71]. Plaintiffs assert that relief should be granted because Defendant has delayed responding to discovery, moved for extension of time, and counsel has had absences from his office. [Dkt. #71, 8:9-13]. Defendant argues that it has fully and timely complied with Plaintiffs' discovery, Plaintiffs' Motion for Relief should be denied for lack of diligence during discovery, and the Motion to Compel should be denied for lack of specificity. [Dkt. # 74, Defendant's Response]. The Court finds that Plaintiffs have exercised diligence during the discovery period, and any lack of specificity was cured in Plaintiffs' Reply. [Dkt. #78]. Plaintiffs specify that certain documents referenced in Mr. Ernst's declaration [Dkt. #40 ¶17, 19] have not been produced; specifically quality assurance, tire testing data, and "product development documents." [Dkt.

1 #78, Ex. C].

2 In response to Plaintiffs' Motion to Compel, Defendant Continental AG maintains that it has  
3 supplemented its production and the response to Plaintiffs' discovery requests have been complete. [Dkt.  
4 #74, Defendant Response, 6:21-26]. Although it appears Defendants have responded and produced some  
5 documents containing the confidential business information Plaintiffs have requested, the record shows that  
6 there may be additional documents that fall within the scope of Plaintiffs' requests that have not yet been  
7 produced.

8 To the extent the documents referenced in Mr. Ernst's declaration have not been produced, the  
9 Court Orders Defendants to supplement Requests for Production No. 1 and No. 4. Defendants did not  
10 produce for the record evidence that either Interrogatories No. 5 and No. 11 had been answered beyond  
11 their objections in Dkt. #74, Ex. A. The Court additionally Orders Defendants to ensure that responses to  
12 these Interrogatories are complete. All production is subject to the Court's earlier Protective Order [Dkt.  
13 #46] and its confidentiality requirements. Plaintiffs' Motions to Compel and for Relief from Discovery  
14 Deadline [Dkt. #71] are GRANTED. Plaintiffs' request for sanction [Dkt. #71] is DENIED.

15 IT IS SO ORDERED.

16 DATED this 28<sup>th</sup> day of July, 2006.

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19 RONALD B. LEIGHTON  
20 UNITED STATES DISTRICT JUDGE  
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